

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|  |   |                       |
|--|---|-----------------------|
| In Re:   | : |                       |
| Joseph A. Carlino                                  | : | Case No. 18-23811 GLT |
| Debtor   | : | Chapter 13            |
|  | : | Docket No.            |
| Joseph A. Carlino                                  | : |                       |
| Movant   | : |                       |
|  | : |                       |
| vs.  | : |                       |
|  | : |                       |
| Ronda Winnecour, Trustee, Office of the U.S.       | : |                       |
| Trustee, AES/PHEAA, AHN, CACH, Capital One         | : |                       |
| Bank, Carson Smithfield, CitiBank, Credit One      | : |                       |
| Bank, Ditech, Duquesne Light Co., First National   | : |                       |
| Bank of Omaha, Home Depot/CitiBank, Kohl's/        | : |                       |
| Capital One, LoanCare, Merrick Bank, Midland       | : |                       |
| Credit Management, Nationwide Credit Inc, PNC      | : |                       |
| Bank, PA Dept. of Revenue, Portfolio Recovery &    | : |                       |
| Assoc., State Collection Service, State Collection | : |                       |
| Service, Valley Honda, Verizon,                    | : |                       |
| Respondents  | : |                       |

**ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY**  
**FREE AND CLEAR OF LIENS**

AND NOW, this \_\_\_\_\_, on consideration of the Debtor's Motion for Sale of Property Free and Clear of Liens to Sandy Hill Development LLC, for \$160,000.00, after hearing held in Courtroom A, 54<sup>th</sup> Floor, 600 Grant Street, Pittsburgh, PA, this date, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above-named Respondent, was effected on the following secured creditors whose liens are recited in said Motion for Private sale, viz:

| <b><u>DATE OF SERVICE</u></b> | <b><u>NAME OF LIENOR AND SECURITY</u></b>  |
|-------------------------------|--|
| <b>May 20, 2020</b>           | <b>LoanCare LLC<br/>3637 Sentara Way<br/>Virginia Beach, VA 15146</b>  |
| <b>May 20, 2020</b>           | <b>LoanCare LLC<br/>Attn: Lauren Moyer, Esq.<br/>McCabe Weisberg<br/>123 S. Broad St.- Suite 1400<br/>Philadelphia, PA 19109</b> |

May 20, 2020

Ronda J. Winnecour  
Chapter 13 Trustee, W.D., P.A.  
P.O. Box 84051  
Chicago, IL 60689-4002

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's website pursuant to W.PA LBR 6004-1(c)(2) on May 20, 2020 and was not advertised further in accordance with W. PA. LBR 6004-2.

(4) That at the sale hearing the highest/best offer received was that of the above Buyers and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$160,000.00 offered by Sandy Hill Development LLC was a full and fair price for the property in question.

(6) That the Buyers have acted in good faith with respect to the within sale in accordance with In re Abbotts Dairies of Pennsylvania, Inc., 788 F2d.143 (\*3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by Special Warranty deed of the real property described as 3906 Logans Ferry Rd., Monroeville, PA 15146 in Allegheny County is hereby **CONFIRMED** to Sandy Hill Development LLC for \$160,000.00 free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Buyers above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby, are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. ***Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions***, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following liens(s)/claim(s) and amounts; Loan Care LLC in the approximate amount of \$61,000.00. It is the responsibility of the closing agent to obtain the exact pay-off amount for each lien holder prior to closing date;
- (2) Delinquent real estate taxes and municipal fees, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) Normal closing costs including title search, legal fees, revenue stamps, and any other normal and necessary closing costs;
- (5) The Court filing fee of \$181.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (6) The Court approved attorney fees in the amount of \$1,703.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (7) Chapter 13 Trustee "percentage fees" in the amount of \$0.00 payable to "Ronda J. Winnecour, Ch. 13 Trustee, P. O. Box 2587, Pittsburgh, PA 15230";
- (8) The Debtor's exemption pursuant to 11 U.S.C. §522(d)(1) of up to \$23,000.00 is payable;
- (9) The "net proceeds" from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "Ronda J. Winnecour, Ch. 13 Trustee. P. O. Box 84051, Chicago, IL 60689-4002;";
- (10) Other:\_\_\_\_\_.

FURTHER ORDERED that:

- (1) ***Within seven (7) days of the date of this Order***, the Movant/Plaintiff shall serve a copy of the within *Order* on each Respondents/Defendants (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney of the Debtors, the Closing Agent, the Buyers, and the attorney for the Buyers, if any, and file a certificate of service.
- (2) ***Closing shall occur within one hundred and eighty (180) days of this Order.***
- (3) ***Within seven (7) days following closing***, the Movant/Plaintiff shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

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Honorable Gregory L. Taddonio  
United States Bankruptcy Judge